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Coie

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August 3, 2004

MUR # 5505

**BY HAND DELIVERY**

Lawrence M. Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Re: <http://testhost.yahoogoogle.biz>

Gentlemen:

We are counsel to Kerry-Edwards 2004, Inc. ("the Committee"), the principal campaign committee of Senators John Kerry and John Edwards, the Democratic Party nominees for President and Vice-President of the United States. It has recently come to our attention that someone is fraudulently soliciting and collecting contributions by electronic mail solicitation and falsely claiming it is authorized by John Kerry for President, Inc., the principal campaign committee of Senator John Kerry's primary campaign.

On August 1, 2004, at least two individuals received e-mails purporting to be from John Kerry for President, Inc. See Attachment A. The e-mails were forwarded to the campaign by

The e-mails requested a "secure contribution." The contribution link was to <http://testhost.yahoogoogle.biz/JohnKerry/contribute.html>. An identical link was also placed at the end of the e-mail, after the words "Contact Us."

RECEIVED  
FEDERAL  
COMMISSION  
OFFICE  
GENERAL  
COUNSEL  
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The website linked to above is no longer publicly available, as of August 2.

A WHOIS search of the site <http://www.yahoogoogle.biz> reveals that the website is registered to Nilesh Kothari, Jaipur, India, 302015.

This e-mail is fraudulently misrepresenting itself as acting on the behalf of John Kerry for President, Inc. for the purpose of soliciting contributions. See 2 U.S.C. § 441h(b) (2004). We respectfully request that you undertake an immediate investigation of this matter, and promptly take steps to seek appropriate judicial relief to prevent future harm to our client. Please do not hesitate to contact us if you have any questions or need further information.

Very truly yours,

  
Marc Elias

Brian G. Svoboda

Ezra W. Reese

Counsel to Kerry-Edwards 2004, Inc.

DISTRICT OF COLUMBIA

SUBSCRIBED AND SWORN to before me this 3rd day of August, 2004.

  
Notary Public

My Commission Expires:  
Notary Public District of Columbia  
My Commission Expires 12/14/08

Attachments

26044141778

## ATTACHMENT A

----- Original Message -----

From: elections-in-usa-awq@Johnkerrys.com

Sent: Sunday, August 01, 2004 1:35 AM

Subject: Campaign for President John Kerry, voting in your state Voting Id: US328390gs

John Kerry for President <[HTTP://TESTHOST.YAHOOGOOGL.BIZ/JOHNKERRY/CONTRIBUTE.HTML](http://TESTHOST.YAHOOGOOGL.BIZ/JOHNKERRY/CONTRIBUTE.HTML)>

This is a message sent by John Kerry Online Volunteer Center.

Just a few dollars can make the difference on Election Day. Since March hundreds of grassroots contributions from John Kerry supporters like you and me matched every \$2000 check George Bush's fundraisers brought in. This is the only reason John Kerry has been able to counter George Bush's negative and misleading attacks.

Every contribution large or small helps. John Kerry's campaign will only win if the same people who will support him on Election Day can provide the grassroots contributions which have fueled his campaign so far.

Please join me and make a secure contribution

<[HTTP://TESTHOST.YAHOOGOOGL.BIZ/JOHNKERRY/CONTRIBUTE.HTML](http://TESTHOST.YAHOOGOOGL.BIZ/JOHNKERRY/CONTRIBUTE.HTML)>

This email is being sent on behalf of the JohnKerry.com system. We take your privacy seriously and will not share your email address.

Paid for by John Kerry for President, Inc. Contact Us

<[HTTP://TESTHOST.YAHOOGOOGL.BIZ/JOHNKERRY/CONTRIBUTE.HTML](http://TESTHOST.YAHOOGOOGL.BIZ/JOHNKERRY/CONTRIBUTE.HTML)>

lpwhnw